

From: Caroline Riogi
To: Brad Nelson
Sent: 7/15/2013 3:26:30 PM
Subject: RE: Pharmacist professional judgment

Thank you Brad.

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From: Brad Nelson
Sent: Monday, July 15, 2013 9:56 AM
To: Lurene Riel
Cc: Caroline Riogi; Rick Irby
Subject: Pharmacist professional judgment

Lurene

Here is some information you can share with your stores regarding refusal to fill and professional judgment. Only Pharmacists are granted the ability to refuse to fill for professional reasons, not the permit holders (home office) There are plenty of Dr's and Pharmacies under investigation including Walmart. I would not want patients to stop bringing their RX's to Walmart because of an investigation by the State Board or other regulatory agency. If the public were in danger the DEA would suspend the prescriber's DEA registration or the State Medical board would step in and suspend their medical license. Until one of those two events happen then the Pharmacists must execute their professional judgment when they get RX's from prescribers with questionable prescribing habits. This is not the first time some of our competition have sent letters to prescribers or their stores about refusing all RX's from a particular prescriber for Controlled substances. Walmart will not be send such letter due to the reasons stated above, only the Pharmacist is granted the professional judgment right to refuse a prescription, and not the permit holder.

COMPLIANCE RIGHT WAY EVERY DAY **REFUSAL TO FILL.**

Pharmacists are granted the ability to exercise their professional judgment and choose to refuse to fill any prescription if they feel the prescription was written for other than a legitimate medical purpose. You and your staff are encouraged to review POMs 203,1311,1316,1317,1319 and 1703. Even after the Pharmacist established that there is a Dr/Patient relationship, the Pharmacist is still allowed to refuse to fill a prescription on an individual prescription basis, no blanket refusals are allowed by the Boards of Pharmacy. Key points:

- When any of the pharmacists on your team decides to not fill a prescription, then the requirements of POM

- Once a pharmacist submits the refusal to fill or fraudulent activity webform, the information is then sent to the DEA by the practice compliance team.
- If a pharmacist dispenses a prescription and subsequently learns (i.e. from law enforcement, a prescriber, another pharmacy or other sources) that the prescription was forged or altered, the pharmacist **is still required** to fill out the refusal to fill or fraudulent activity webform and follow the steps outlined in POM 1703.
- The documentation of these refusals is to provide details of the incident for the purposes of supporting the Pharmacists in their decision should any complaint be filed by a prescriber or patient with the Medical Board or Board of Pharmacy.

Unfortunately there are many prescribers that write for large quantities of controlled substances, however, this does not mean that you as a professional are required to fill these prescriptions. We encourage and support each Pharmacist in exercising his/her professional judgment, we simply ask that you follow the policies and procedures outlined in the Pharmacy operations manual to protect you and the company from false claims of discrimination from the Prescriber or the patient. We appreciate your concerns and understand the impact to your practice.

If you have any questions or concerns please feel free to contact Health and Wellness Regulatory Affairs: (479) 204-8014.

From: Lurene Riel
Sent: Monday, July 15, 2013 9:42 AM
To: Rick Irby; Brad Nelson
Subject: FW: fathalla mashali

This is an update for addresses that this MD is writing out of. I just sent an e-mail to you both about this doctor being under investigation.

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From: Neil Desautels - nadesau.s02222
Sent: Monday, July 15, 2013 10:37 AM
To: Lurene Riel
Subject: fathalla mashali

4 addresses that I have found so far

****169 north franklin st holbrook, ma**

****585 lebanon st melrose, ma**

****10 converse st winchester, ma**

Neil A. Desautels, RPh, MBA
Pharmacy Manager
Walmart # 2222